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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,852	02/16/2001	Akihiro Hino	SCEI 3.0-045	3840

7590 09/03/2004

Lerner, David, Littenberg,
Krumholz & Mentlik, LLP
600 South Avenue, West
Westfield, NJ 07090

EXAMINER

CASCHERA, ANTONIO A

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 09/03/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,852

Applicant(s)

HINO ET AL.

Examiner

Antonio A Caschera

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-38 is/are allowed.
- 6) ☒ Claim(s) 39-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C.

119(a)-(d). The certified copy has been filed in the pending application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 39-42 rejected under 35 U.S.C. 102(b) as being anticipated by Rice (U.S. Patent 5,325,480).

In reference to claims 39-42, Rice discloses a method of generating dynamically altering images capable of simulating fluid effects on a static scene (see column 1, lines 33-35). Rice discloses creating an image rendering pattern of the letter, "A" by moving a "viewing area window" across the letter (see column 4, lines 61-63 and Figure 6). Rice also discloses the image rendering pattern to comprise of a plurality of image portions extractable in a sequence to display different extracted portions of the pattern to simulate motion of the image (see Figure 7A of Rice). Note, the office interprets an image block (#48, 50, 52, etc. of Figure 7A) of Rice equivalent to the first image portion of applicant's claims. Rice further discloses combining a texture map image with the extracted image portion and a non-linear combination of an offset

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vector and a prior location of the image portion (see column 5, lines 36-39, Figure 5B, Figure 7B and #72, 74 and 76 of Figure 8). Note, the office interprets the texture map image and offset vector together form a “mask” feature comprising of background information (the static texture map image (see column 3, lines 60-65)) and first image portion information (the location of the image portion in the scene using the offset vector), such a “mask” equivalent to the “mask pattern” of applicant’s claims. Further note, the office interprets each image portion formed to the texture map image equivalent to the generated “object image” of applicant’s claims. Rice also discloses repeatedly forming the image portion selecting and combining steps to produce a composite image (see column 4, lines 16-20 and #84 of Figure 8). Further, in reference to claim 40, Rice discloses a computer system for generating the altering images according to the above described method (see column 2, lines 46-48 and Figure 1). In reference to claims 41 and 42, Rice discloses the system comprising of proper memory for storing and executing software according to the above described method (see column 2, lines 56-61). Note, the office interprets the computer system of Rice to inherently comprise of a processor for executing the stored software in memory (see *Response to Arguments*, below).

Response to Arguments

3. Applicant's arguments filed 7/19/2004 have been fully considered but they are not persuasive.

In reference to claims 39-42, applicant argues that the Rice reference does not disclose element (b) of the claims or, combining a mask pattern with the first image portion to generate an object image, wherein the mask pattern comprises background image information and first image

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information (see pages 2-3 of Applicant's Remarks). Further, applicant argues that Rice does not disclose the specifics of combining and blending the texture map with each scene frame and therefore does not disclose element (b) of claims 39-42 (see page 2, 3rd paragraph of Applicant's Remarks). As indicated in the above rejection, the office interprets the combination of the texture map and offset vector equivalent to the "mask pattern" of applicant's claim. The texture map of Rice comprises background information or the static texture map image (see column 3, 60-65) and the offset vector comprises first image portion information or the location of the image portion in the scene. The office interprets that Rice therefore discloses the specifics of the "mask pattern" of applicant's claims. Rice further discloses creating the dynamically altering image by repeatedly creating a texture map overlay of each of a series of scene frames (see column 3, lines 13-18). Such a, "texture map overlay" provides further support for the office's interpretation of the texture map and offset vector of Rice. Further, the applicant argues that the "mask pattern" of applicant's claims is, "...not the same as simply forming a texture map as in Rice in which image blocks are pasted onto an area in repetitive pattern..." (see page 3, 1st paragraph of Applicant's Remarks). The office disagrees with the applicant's interpretation of Rice and the texture map as Rice does more than "simply forming a texture map...in which image blocks are pasted onto an area..." Rice explicitly discloses creating a texture map overlay supplying a certain texture to represent an image surface when a graphical component is applied thereto (see column 3, lines 13-18, 60-61 and #76 of Figure 8). Such an application of an image surface by the texture map is considered as equivalent to the functioning of the "mask pattern" of applicant's claim. As the applicant's "mask pattern" is combined with a first image portion to generate an object so is the texture map and extracted image portion of Rice combined to

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produce a composite texture map object written to a frame buffer for display (see column 5, lines 36-39, 58-64 and Figure 7B). Therefore, the office interprets Rice to disclose the, “mask pattern” limitation of applicant’s claims.

Allowable Subject Matter

4. Claims 26-38 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

In reference to claims 26, 30, 34 and 38, the prior art found (Arai et al. (U.S. Patent 6,121,977) and Rice (U.S. Patent 5,325,480)) does not explicitly disclose combining a new second image with a second mask pattern to generate and render a shimmering image of the background in said second rendering area in combination with the further limitations claims 26, 30 and 34.

In reference to claims 27-29, these claims are indicated as allowable as they depend upon allowable claim 26.

In reference to claims 31-33, these claims are indicated as allowable as they depend upon allowable claim 30.

In reference to claims 35-37, these claims are indicated as allowable as they depend upon allowable claim 34.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (703) 305-1391. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (703)-308-6829.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

aac

8/23/04

A handwritten signature in black ink, appearing to read "Matthew C. Bella". The signature is fluid and cursive, with the first name "Matthew" being more prominent and the last name "Bella" following in a similar style.

MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600